



UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 12

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JUL 23 2003

In re Application of	:	
Murali Chaparala	:	DECISION ON PETITION
Application No.: 09/851,587	:	TO WITHDRAW THE
Filing Date: May 8, 2001	:	HOLDING OF ABANDONMENT
Attorney Docket No.: ONX-117A	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 C.F.R. § 1.181(a) filed via facsimile transmission on June 8, 2003 and supplemented on July 17, 2003, also via facsimile transmission. There is no fee for this petition.

The petition is **GRANTED**.

The application was held abandoned for failure to file a proper reply to the Office action mailed on September 11, 2002. A Notice of Abandonment was mailed on June 4, 2003.

Petitioner asserts that a response to the Office action of September 11, 2002 was timely submitted to the Patent and Trademark Office (PTO). To support this assertion, petitioner has submitted a copy of the response (an amendment and a petition for a one month extension of time) and a copy of a stamped return postcard which properly identifies and acknowledges receipt of the response by the PTO on January 9, 2003.

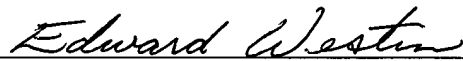
A review of the application file record reveals that the above-identified response having been acknowledged as being received in the PTO on January 9, 2003 is not of record in the application file and cannot be located. However, M.P.E.P. § 503 states that "(a) postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO." Accordingly, it is concluded that the response was timely received but lost after receipt thereof.

For the above stated reason, the petition is granted. The Notice of Abandonment mailed June 4, 2003 is hereby **VACATED** and the holding of abandonment is withdrawn.

The copy of the response submitted with the petition on June 8, 2003 is accepted since the response originally submitted was apparently lost.

The one-month extension of time fee has not been associated with the application. Petitioner asserts that the fee was paid by way of check. To support this assertion, petitioner submitted a copy of the check with the petition and a copy of a bank statement in his facsimile transmission of July 17, 2003 indicating the cashing of the check on January 17, 2003. Although the copy of the check does not include the serial number of the application, it does include the attorney's docket number and is dated January 8, 2003. The copy of the check and bank statement is sufficient evidence to conclude that the one-month extension of time fee was paid.

The application file is being forwarded to the Technology Center 2800 support staff for entry of the response. The application file will then be forwarded to the examiner for appropriate action in due course.



Edward P. Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components